

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NATIONAL RETIREMENT
FUND,

Plaintiffs,

-against-

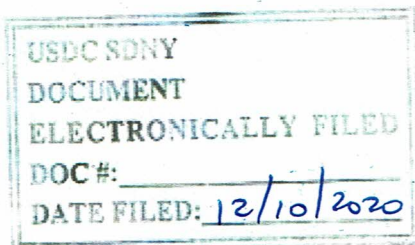
SAFETY WEAR, INC. d/b/a MIDWEST LINEN AND
UNIFORM SERVICE,

Defendant.

19-cv-09751 (NSR)(JCM)

DEFAULT JUDGMENT

This action having been commenced on October 22, 2019 by filing of a Complaint, and Plaintiffs Trustees of the National Retirement Fund ("Plaintiffs") having served copies of the Summons and Complaint upon Safety Wear, Inc. d/b/a Midwest Linen and Uniform Service ("Defendant"), a Michigan corporation, on October 29, 2019 by personal service upon Kathy Winkelbauer, Authorized Agent for Defendant, and proof of such service having been filed with the Court on December 4, 2019, and Plaintiffs having advised the Court that Defendant remitted the principal amount of delinquent contributions for the months of November 2017 through and including May 2018 and for the months of May 2019 and June 2019 sought in the Complaint, Defendant remitted the interest and liquidated damages on the contributions remitted for the months of November 2017 through and including May 2018 and for the month of May 2019 and such payment does not relieve Defendant of their obligations to Plaintiffs for interest and liquidated damages on the late-paid contributions for the month of June 2019 as mandated by Section 502(g) of ERISA, 29 U.S.C. §1132(g), Defendant still owes the principal amount of contributions, interest, and liquidated damages for the months of July 2019 through and



including September 2019, Defendant remitted the Pension Contribution Reconciliation Reports (the “Reports”) for the months of May 2019 through and including September 2019 sought in the Complaint, and Defendant not having appeared, answered, or otherwise moved with respect to the Complaint, and the time for appearing, answering or moving having expired, and the Court having issued its Order to Show Cause requiring Defendant to show cause before the Court why a Default Judgment should not be entered against Defendant, and the Court having held a hearing pursuant to the Order to Show Cause, and Defendant having failed to appear at the show cause hearing; it is

NOW, THEREFORE, upon application of the Plaintiffs and upon reading the Affidavits of Jennifer Oh, Esq., duly sworn the 19th day of October 2020, and the Certificate of Ruby J. Krajick, Clerk of Court, United States District Court for the Southern District of New York, noting the default of Defendant for failure to appear, answer or otherwise move with respect to the Complaint, it is hereby,

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant for interest computed at one percent (1.00%) per month or part thereof on the late-paid contributions of \$832.48 for the month of June 2019 through the date of payment in the amount of \$99.90 and liquidated damages at an amount equal to the greater of the total interest due on the late-paid contributions for the month of June 2019 or twenty percent (20.00%) of the late-paid contributions in the amount of \$166.50, all totaling \$266.40; and

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant in the principal amount of \$2,539.02 for delinquent contributions for the period of July 2019 through and including September 2019, interest computed at one percent (1.00%) per

month or part thereof on the delinquent contributions through the date of Judgment in the amount of \$380.44, and liquidated damages at an amount equal to the greater of the total interest due on the delinquent contributions or twenty percent (20.00%) of the delinquent contributions in the amount of \$507.81, all totaling \$3,427.27; and

ORDERED, ADJUDGED AND DECREED that Plaintiffs have Judgment against Defendant for costs of the instant action in the amount of \$400; and

ORDERED, ADJUDGED AND DECREED that, given the foregoing, Plaintiffs have Judgment against Defendant in the total amount of \$4,093.67; and it is further

ORDERED, ADJUDGED AND DECREED that Defendant be restrained and enjoined permanently from becoming or remaining delinquent in its contributions and remitting its Reports to the National Retirement Fund and ordering Defendant to make such contributions and remit such Reports in accordance with the terms and conditions of the Fund's rules and regulations and the Bargaining Agreement between Defendant and the Union; and it is further

ORDERED, ADJUDGED AND DECREED that interest shall continue to accrue on the amount due under this Judgment at the legal rate as defined in 28 U.S.C. §1961 from the date of entry of this Judgment on Dec. 10, 2020 until the Judgment is fully satisfied.

Dated: December 10, 2020
White Plains, New York

SO ORDERED:



Honorable Nelson S. Román
United States District Judge